



UNITED STATES PATENT AND TRADEMARK OFFICE

MW

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,565	01/11/2001	Kazuaki Kinjyou	Q62622	8323
7590 11/05/2003 SUGHRUE, MION, ZINN, MACPEAK & SEAS PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037-3213			EXAMINER PHAM, HAI CHI	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,565

Applicant(s)

KINJYOU ET AL.

Examiner

Hai C Pham

Art Unit

2861

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5 and 14-16 is/are allowed.
- 6) ☒ Claim(s) 4,6,10 and 21 is/are rejected.
- 7) ☒ Claim(s) 7-9,11-13 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 4 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4;

- Line 7, "said humidifier" lacks antecedent basis. It is suggested to rewrite the claimed limitation as follows --a humidifier comprising a humidifying chamber and a humidifying air supply-- to overcome this 112 rejection.
- The following limitation "wherein at least one member of the group consisting of a dehumidifier, **a humidifier**, a heater and a cooler is contained within said recording apparatus (emphasis added)" appears to be ambiguous in that the humidifier cannot be selected from the above group, which would constitute a *second humidifier* to be contained in the recording apparatus. Such limitation to include a second humidifier is not supported by the specification.
- Again, the following limitation "wherein the at least one member of the group consisting of the dehumidifier, the humidifier, the heater, and the cooler is **the humidifier** (emphasis added)" appears to be redundant since the humidifier is explicitly recited earlier within the claim.

Art Unit: 2861

Claim 21 is dependent from claim 4 above, and is therefore indefinite.

Appropriate correction is required.

Due to the uncertainty of the limitations, claims 4 and 21 are deemed to be so unclear as to preclude consideration in view of the prior art.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 6 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hagiwara (U.S. 6,297,871 B1).

Hagiwara discloses an exposure apparatus for making semiconductor circuits by photolithography or for exposing a photosensitive material. The exposure apparatus comprises a medium fixing member (stage 22, Fig. 8) for fixing a recording medium (W)

Art Unit: 2861

on its surface, a recorder (30) for producing a record on said recording medium, an air supply (outside air being supplied to the chamber 3 by fan 18) for supplying air into the apparatus to build up positive pressure in its interior (the chamber 3, which encloses the exposure unit, is kept under positive pressure through the air supply by the blower 9) (col. 9, lines 11-17), wherein at least one of a humidifier and a dehumidifier is contained within the recording apparatus (the radiation fins of the cooler 7 remove the humidity by condensing the superfluous moisture brought from the outside, the cooler 7 thus acts as a dehumidifier contained within the exposure apparatus) (col. 9, lines 35-37) so that the humidity is kept constant (col. 8, lines 52-54). With regard to claim 10, Hagiwara further teaches the inclusion of the heater (8) contained within the recording apparatus so that the temperature is kept constant (col. 8, lines 52-54).

Allowable Subject Matter

5. Claims 1-2, 5, 14-16 are allowed.
6. Claims 7-9, 11-13, 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: the primary reason for the indication of the allowability of the claimed invention is the inclusion of the limitations, in the combination as currently claimed in claims 1, 5, 14-15, that the claimed recording apparatus includes an air supply for supplying air into the apparatus to build up positive pressure in its interior along with a humidifier being

Art Unit: 2861

provided in the feed path of the recording medium to keep the humidity constant, the inclusion of the limitations, in the combination as currently claimed in claims 2 and 16, that the claimed recording apparatus includes an air supply for supplying outside air into the apparatus to build up positive pressure in its interior and one of dehumidifier, a humidifier, a heater, and a cooler being provided upstream of an air supply port of said air supply so that either temperature, or humidity or both are held constant in said recording apparatus, and which are not found taught or fairly suggested by the prior arts made of record, considered alone or in combination.

Response to Arguments

8. Applicant's arguments with respect to claims 6 and 10 have been considered but are moot in view of the new grounds of rejection presented in this Office action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C Pham whose telephone number is (703) 308-1281. The examiner can normally be reached on T-F (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin R. Fuller can be reached on (703) 308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722, (703) 308-7724, (703) 308-7382, (703) 305-3431, (703) 305-3432.

Application/Control Number: 09/757,565
Art Unit: 2861

Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



HAI PHAM
PRIMARY EXAMINER

October 31, 2003